

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

1. R4 INVESTMENTS, LLC, an Oklahoma Limited Liability Company,	)	
2. EDMERE HOMES, LLP, an Oklahoma Limited Liability Partnership,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-19-922-D
	)	
1. REAL PROTECT, LLC, a Georgia Limited Liability Company,	)	
2. NORTON AGENCY INSURANCE, LLC, a Georgia Limited Liability Company, a/k/a Norton Agency Insurance, LLC d/b/a Norton Network Insurance Agency,	)	
3. WANDA GAIL SIMMONS, as an Agent for Norton Agency Insurance, LLC and/or Real Protect, LLC and/or in her individual capacity,	)	
	)	
Defendants.	)	

**COMPLAINT**

**Parties**

1. Plaintiff, R4 Investments, LLC, is an Oklahoma limited liability company. R4 Investments, LLC's place of business is within the State of Oklahoma and its members are each citizens of the State of Oklahoma.
2. Plaintiff, Edgemere Homes, LLP, is an Oklahoma limited liability partnership. Edgemere Homes, LLP's place of business is within the State of Oklahoma and its partners are each citizens of the State of Oklahoma.

3. Defendant, Real Protect, LLC, is a Georgia limited liability company.
4. Defendant, Norton Agency Insurance, LLC, is a is a Georgia limited liability company.
5. Upon information and belief, Defendant, Wanda Gail Simmons, is a citizen of the State of Georgia.

### **Jurisdiction**

6. The court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because there is diversity between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

### **Facts**

7. At all times material hereto, Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, owned residential properties located at the following addresses in Oklahoma County: 2138/2140 NW 12th Street, Oklahoma City, Oklahoma; 2142 NW 12th Street, Oklahoma City, Oklahoma and 1212/1214 N. Barnes, Oklahoma City, Oklahoma.

8. On or about June 7, 2018, Plaintiffs' properties were damaged as a result of wind/hail.

9. At all times material hereto, Defendants, Real Protect, LLC and Norton Agency Insurance, LLC, were Plaintiffs' insurance agents. Defendants told

Plaintiffs that they had procured insurance coverage for Plaintiff's properties located at 2138/2140 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma; 2142 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma and 1212/1214 N. Barnes, Oklahoma City, Oklahoma.

10. At all times material hereto, Defendant, Wanda Gail Simmons, was an insurance agent with Defendant, Norton Agency Insurance, LLC and/or Real Protect, LLC. Alternatively, at all times material hereto, Defendant, Wanda Gail Simmons, acted in her individual capacity.

**Count I: Negligence – All Defendants**

11. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP hereby assert, allege and incorporates paragraphs 1-10 herein.

12. At all times material hereto, Defendants, Real Protect, LLC and Norton Agency Insurance, LLC, were not licensed to operate as an insurance brokerage, and to procure and sell insurance policies in the State of Oklahoma.

13. At all times material hereto, Defendant, Wanda Gail Simmons, was not licensed to act as an insurance agent/broker, and to procure and sell insurance policies in the State of Oklahoma.

14. Defendants, Real Protect, LLC, Norton Agency Insurance, LLC, and Wanda Gail Simmons, were Plaintiffs' insurance agents. Defendants told

Plaintiffs that they had procured insurance coverage for Plaintiff's properties located at 2138/2140 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma; 2142 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma and 1212/1214 N. Barnes, Oklahoma City, Oklahoma.

15. Defendants, Real Protect, LLC, Norton Agency Insurance, LLC, and Wanda Gail Simmons, had a duty to procure coverage for Plaintiffs' properties. Indeed, Defendants averred to Plaintiffs that all of the properties herein described were covered under a policy through Defendant, Real Protect, LLC.

16. Defendants, Real Protect, LLC, Norton Agency Insurance, LLC, and Wanda Gail Simmons, negligently failed to procure the policy or coverage insuring Plaintiffs' properties, thereby breaching the standard of care required of professional insurance agents and/or brokerages.

17. As a result of Defendants' breach of its duty of care, Plaintiffs have been injured and deprived of the benefits of the coverage that Defendants failed to procure.

**Count II: Fraud - Defendants Real Protect, LLC  
and Norton Agency Insurance, LLC**

18. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP hereby assert, allege and incorporates paragraphs 1-17 herein.

19. Upon information and belief, Defendants Real Protect, LLC and Norton Agency Insurance, LLC are closely connected entities, sharing a network of employees, as well as a common operational and managerial structure.

20. Defendants Real Protect, LLC and Norton Agency Insurance, LLC are actively engaged in a fraudulent scheme whereby Defendant, Real Protect, LLC, fraudulently holds itself out as a property insurer providing insurance coverage to real estate investors through the Norton Agency for a set premium. In reality, Defendant, Real Protect, LLC is not an insurance carrier, but is instead a company wholly owned/operated by Defendant, Norton Agency Insurance, LLC. Defendant Norton Agency Insurance, LLC holds itself out to insureds and potential insureds as an insurance brokerage procuring coverage provided by Defendant Real Protect, LLC – which the Norton Agency also holds out as an insurance carrier. In reality, Defendant Norton Agency Insurance, LLC then purchases an insurance policy through various insurers covering the property owner's property but naming Defendant, Real Protect, LLC as the named insured under said policy. Defendants then charge the insured an inflated “premium” for this coverage – even though the property owner is not actually an insured under the policy procured by Defendants Real Protect, LLC and Norton Agency Insurance, LLC. Defendants Real Protect, LLC and Norton Agency

Insurance, LLC are not insurance carriers licensed to provide insurance coverage in the State of Oklahoma and do not have an insurable interest in the properties for which they are obtaining insurance coverage from other insurance carriers in furtherance of their fraudulent scheme.

21. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, procured an insurance policy through Defendants Real Protect, LLC and Norton Agency Insurance, LLC purporting to insure Plaintiffs against losses sustained to their properties described herein. Defendants Real Protect, LLC and Norton Agency Insurance, LLC held themselves out to Plaintiffs as an insurance carrier and agency, respectively. In reality, Plaintiffs were not even named insureds under the policy procured by Defendants Real Protect, LLC and Norton Agency Insurance, LLC. Defendants Real Protect, LLC and Norton Agency Insurance, LLC, fraudulently averred to Plaintiffs that they were insured under this policy and that they were being charged a “premium” by Defendants Real Protect, LLC, and Norton Agency Insurance, LLC. Not only did Defendant fail to procure coverage on certain properties owned by Plaintiffs, as described above, but Defendant also charged Plaintiff an inflated price for this coverage by fraudulently holding itself out as an insurer and its costs as “premiums.”

**Punitive Damages - Defendants Real Protect, LLC  
and Norton Agency Insurance, LLC**

22. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, hereby assert, allege and incorporate paragraphs 1-21 herein.

23. The conduct of the Defendants, Real Protect, LLC and Norton Agency Insurance, LLC was fraudulent, unreasonable, intentional, willful, wanton and was committed with a reckless disregard for the rights of the Plaintiffs for which punitive damages are hereby sought.

**Demand for Jury Trial**

24. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, hereby request that the matters set forth herein be determined by a jury.

**Prayer**

25. Having properly pled, Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, hereby seek actual and punitive damages against the Defendants, Real Protect, LLC, Norton Agency Insurance, LLC, and Wanda Gail Simmons, together in an amount in excess of \$75,000.00; including costs, interest and attorney fees.

Respectfully submitted,

S/ Michael D. McGrew

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**ATTORNEYS FOR THE PLAINTIFFS**